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ABSTRACT

In response to allegations of blacks that broadcasting stations, especially in the South, discriminate against their interests, the Office of Communications of the United Church of Christ undertook a two-year project (1968-70) to combat discriminatory practices. The project attacked two widespread practices: non-employment or under-employment of blacks, and failures of stations to give blacks access to the air to provide programs which satisfy their needs and tastes. Community action, through monitoring of stations by citizen groups and threats of legal action in license renewal requests before the FCC, influenced the programming and employment practices of stations to an extent that amounted to significant social change. Cases in Texarkana, Arkansas; Shreveport, Louisiana; Atlanta, Georgia; and Charlotte, North Carolina, are discussed. The Office of Communication expects much greater citizen participation in broadcasting in the immediate future. Of particular concern are the charges that educational stations (again, especially in the south) also fail to give attention to minority programming and employment needs. (JK)

racial justice in broad-casting

A report of
a program to combat
discrimination
practiced by
broadcast licensees
against blacks
and other minorities
by means of
programming and
employment practices.

conducted under
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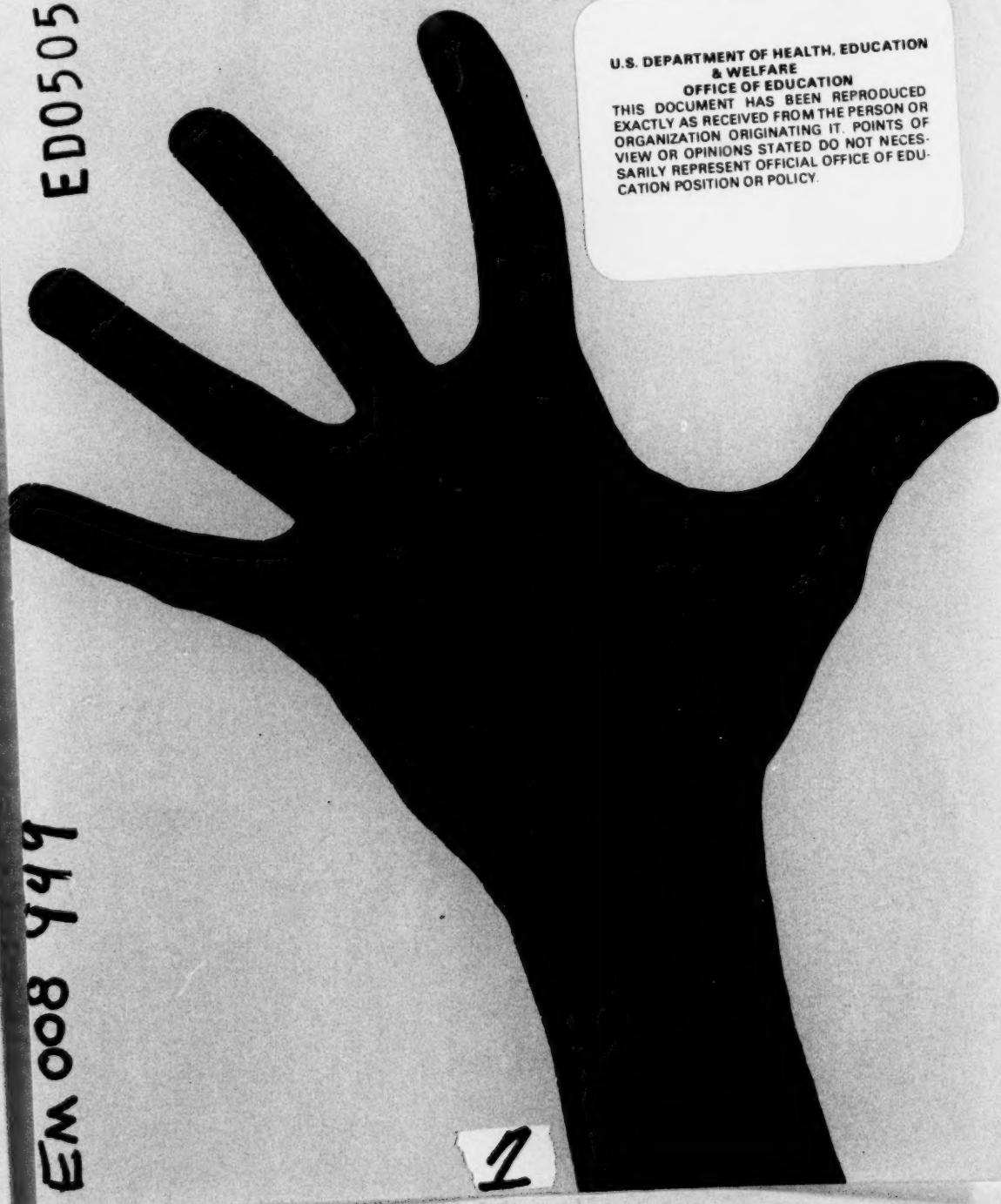

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INTRODUCTION

The pervasive and influential role of television and radio in American life makes these media crucially important to blacks and other minorities who are seeking to make their views known to the public and to win for themselves the citizenship rights and opportunities that have been denied to them by the indifference and hostility of the white majority. For a decade broadcasting has been the focal point of a mounting concern on the part of minorities over mass communication's failure to portray sympathetically the values, attitudes and behavior of blacks, Indians, Spanish-surnamed Americans, Orientials, Jews and similar groups.

Broadcast advertising and programming are often insensitive to people's needs and desires. Television and radio can be peculiarly vicious in trampling on the dignity of minority citizens who are at the bottom of the economic heap and are not greatly valued as consumers. Broadcasting has glorified material standards and creature comforts and has raised the expectations of the poor, but has done little to help poor people achieve the prospects it dangles before them so alluringly. On the contrary, radio and television have avidly reported the turbulence, violence, destruction, frustration and despair of America's deprived people, but not their hopes and aspirations.

The ability of broadcasting to communicate with minorities is limited by the reluctance of the broadcasting industry to employ minority group members and the denial of the highest positions, where decisions are made, to blacks and other non-whites.

In response to allegations of blacks that stations, especially in the South, discriminate against their interests, the Office of Communication of the United Church of Christ on March 7, 1968 launched a two-year program to combat such practices. The project was financed by a generous grant from the Ford Foundation.

The Office of Communication had previously challenged discriminatory practices and programming against blacks by Station WLBT-TV, Jackson, Miss. A petition was filed with the Federal Communications Commission asking it to deny renewal of the WLBT license. The FCC refused the petition on the ground that public bodies had no right to legal standing in its procedures. An appeal was taken to the United States Circuit Court of Appeals in the District of Columbia. In a landmark decision, the Court granted standing to the public to intervene in station licensing procedures of the FCC. (Later, when the FCC still declined to act against WLBT, the Court revoked the license of the station.)[1]

The precedent set by the WLBT case made it possible for civic organizations and private citizens to have a legal voice in determining the services they receive from local radio and television stations. The American system of broadcasting is predicated upon the assumption that there will be interaction among the public, the broadcasters and the government. For more than a quarter of a century the refusal of the FCC to admit representatives of the public to its proceedings had negated the careful checks and balances written into the Com-

[1]Office of Communication of the United Church of Christ, *et al* v. Federal Communications Commission, Case No. 19,409, June 20, 1969, rehearing denied, September 5, 1969. See discussion of case, 83 Harvard Law Review 1412 (April, 1970).

munications Act of 1934 by the Congress. The absence of public participation in the affairs of broadcasting is largely responsible for the indifference of television and radio stations to the needs and interests of the communities they are licensed to serve.

Using the court decision in the WLBT case as a base, the Office of Communication has aided citizen groups in 11 cities in the South to combat alleged discrimination against blacks by television and radio stations.[2] The project has attacked two widespread discriminatory practices: (1) non-employment or under-employment of blacks, and (2) failure of stations to give blacks access to the air and to provide programming to satisfy the needs and tastes of blacks. Action has been taken through widely representative citizen groups, with both blacks and whites in membership. These groups have carefully observed station performance, have analyzed the program service and have recommended needed improvements in service to station managements. When stations have been unresponsive, some citizen groups have taken action against them by filing petitions with the FCC to deny renewal of their licenses.

The project was directed by the Rev. Dr. Everett C. Parker, director of the Office of Communication, United Church of Christ. Earle K. Moore, Esq. of Moore, Berson, Hamburg and Bernstein was counsel to the project and acted as legal adviser to the various citizen groups. Dr. Ralph M. Jennings developed standards and practices and supervised the gathering and analysis of data. Miss Jane Goodman was field director and was responsible for community relations. Edward L. Greif was public relations consultant.

This report describes the activities and achievements of the citizen groups between March 7, 1968 and April 7, 1970. The report includes a summary of activities and significant results, work in progress and conclusions and recommendations.

The project is being continued by means of a second grant from the Ford Foundation for the period April, 1970 through April, 1972.

THE PROGRAM FOR COMMUNITY ORGANIZATION AND ACTION

The project has functioned in response to requests from community organizations–black and white–for help in combatting programming and employment practices that discriminate against blacks and other minorities. The role of the Office of Communication staff has been (a) to develop applicable

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[2] The project planned programs in 11 cities which had requested help from the Office of Communication: Birmingham, Ala., Little Rock, Ark., Jacksonville, Fla., Meridian, Miss., Charlotte, N.C., Dallas and San Antonio, Tex., Atlanta and Columbus, Ga., and Monroe and New Orleans, La. As work progressed, new and pressing problems arose in other cities, while in some of the project cities the citizen groups that initiated action were not ready to do the meticulous and extensive work needed to confront stations with the evidence that might have led to constructive change. The project operated pragmatically. It entered new fields when the prospect of achieving constructive social change in broadcasting practices seemed good. In such cases staff members and money were committed to the extent needed to see the community ventures to conclusion. Conversely, when it became apparent that a citizen group did not have the will to complete a project or when charges made against stations proved to be unfounded work was dropped in favor of more promising ventures.

standards and procedures; (b) to help each community form a broadly based citizen group to study and evaluate broadcast service; (c) to help each group establish goals for its work; (d) to furnish materials for the instruction of the group about the American broadcasting system and how it is regulated; (e) to provide the equipment needed for observing station performance and to assist in such observation; (f) to analyze the data gathered by the observers and other information about stations; (g) to help in the evaluation of station performance; (h) to act as consultant to the citizen groups in their negotiations with station management and (i) to supply legal counsel when necessary.

The principles of operation and the guidelines for studying and evaluating station performance that were developed by the project have proven in use to be an adequate basis for orderly and fair community action.

The Office of Communication has not entered any community except by invitation, nor has it become a party to legal actions of the citizen groups.

Most of the work has been keyed to the schedule of license renewals set by the FCC. Immediately prior to license renewal each station conducts an FCC-required ascertainment of community needs and interests and develops proposals to meet them during the next licensing period. Stations are usually open to approaches from the public at license renewal time, because they do not want to arouse opposition to the renewal. However, it is always hoped that productive relationships can be established between public bodies and broadcasters without the threat of legal action to prevent license renewal.

Demonstrated need for improvement of program service has been the basis of all procedures. The Office of Communication has declined to work with groups that have parochial interests or that are protesting isolated instances of unsatisfactory programming. Individuals not representative of their communities were advised to enlist the support of a broad spectrum of community leadership. Help from the Office of Communication was made contingent upon fulfillment of this requirement.

The project has been geared primarily to work with blacks on problems that they want to solve. There has been a conscious effort to get blacks and whites to work together for general community betterment, but the significant decisions have been made by blacks and have been keyed to their concept of their needs. The project has been fundamentally a self-help operation in which the project staff has given technical advice to citizen organizations that have determined what ethical principles should be championed, what objectives were desirable and what action should be taken to achieve the desired results.

Educational Materials

The public is largely unaware of communications law and of the way in which the American system of broadcasting functions. Therefore, it was necessary to produce instructional materials to explain the Federal regulatory procedure, the legal obligations of broadcast licensees and the rights and responsibilities of the public with respect to stations. A pamphlet, *How to Protect Citizen Rights in Television and Radio*, was written for the purpose. It has been used by the citizen groups served by the project and by additional thousands of persons interested in improving broadcast service. An initial printing of 25,000 copies was quickly exhausted and a second, revised edition is

now in circulation.[3] It contains such project-inspired documents as the FCC's rule banning discriminatory employment practices and the KTAL agreement, reported on page 7.

A companion document, *A Guide to Understanding Broadcast License Applications,* has been written to help people interpret the information in station license renewal applications.

The project also has amassed a valuable body of memoranda and correspondence concerning the regulation of broadcasting and performance by stations.

Research Methods

The project has developed a systematic means of collecting data, known as "observing." Observers are usually members of a citizen group. They work in teams of three or more. When possible, the teams are racially mixed to determine whether perception of program content or reactions to programs differ between members of different races.

Each observer is supplied with a reporting form for each program. He records what he sees and hears. A second form is used to record opinions about the program. As observers watch and listen, the aural portions of programs are tape-recorded to provide a permanent record.

The Office of Communication research staff prepares schedules of the local stations. Viewing assignments are typed on the report forms before they are distributed to observers. After a broadcast, the completed observation forms are returned to the Office of Communication. Descriptive information (for example the appearances of blacks on a television station during a stated time) is analyzed with the aid of a computer. Subjective reactions of observers are recorded, analyzed and evaluated for the citizen group. Findings are summarized, then compared with the promises made by the station and the data it furnishes the FCC in its license renewal application. This report is used by the local citizen group in evaluating station performance and in developing future courses of action.

Experience has shown that it is not necessary to observe every minute of the time a station is on the air to determine how it is performing. For example, network programs may be watched in New York and significant data about them forwarded to citizen groups. In practice, emphasis has been placed upon watching and listening to locally-produced entertainment and public service programs and news reports and commentaries, since such shows provide the community with an outlet for self-expression. The citizen groups also have watched to determine whether or not stations clear time for network shows, such as documentaries, that are of particular interest to substantial numbers of local persons.

SIGNIFICANT PROJECT ACHIEVEMENTS

In spite of its short duration, the project brought about important reforms in the administration of the Communications Act with respect to pro-

[3] Copies may be obtained free from Office of Communication, United Church of Christ, 289 Park Avenue South, New York, N. Y. 10010.

tection of the rights of the public to freedom of speech and the rights of minorities to access to the airwaves. It helped citizen groups to influence the programming and employment practices of stations to an extent that amounted to significant social change.

General Achievements

Several achievements during the life of the project will have lasting national significance:

1. The Office of Communication, United Church Board for Homeland Ministries and the denomination's Commission for Racial Justice successfully petitioned the FCC to issue a rule banning discrimination in employment by broadcasting stations, calling for stations to conduct a positive program to attract black and other minority employees and requiring them to report annually on their policies and practices.
2. The Office of Communication led other religious organizations in intervening in the United States Circuit Court of Appeals and in the Supreme Court to fight off a legal attack by the broadcasting industry against the FCC's Fairness Doctrine. In striking down the industry's case, the Supreme Court held that "the fairness rules enhance rather than abridge the freedoms of speech and press protected by the First Amendment. . .It is the right of the viewers and listeners not the right of the broadcasters which is paramount.[4]
3. The project revealed that public efforts at broadcasting reform can be mounted locally without excessive cost and can be pursued successfully without recourse to legal action involving the FCC, although the possibility of such action must always be a factor in the proceedings.
4. The project has shown that blacks in Southern communities can eliminate discriminatory practices in broadcasting.
5. The importance of television and radio service to blacks has been documented. The need for specialized programming planned by blacks to express black views has been determined.
6. The desirability of having responsible community groups rather than Government foster changes in broadcasting practices has been shown.
7. Reliable procedures have been developed through which private citizens can collect legally defensible information on radio and television programming and can report accurately to the public and the FCC on what stations are doing.
8. Locally, the project has helped groups negotiate landmark agreements with stations covering employment and program practices. These legally binding agreements have set precedents that are influencing the behavior of the entire broadcasting industry.

Local Agreements

Settlement with KTAL-TV. Texarkana, Ark. was not among the cities

[4] See Red Lion Broadcasting Co., Inc., etc., et al., Petitioners, v. Federal Communications Commission et al.; United States et al., Petitioners, v. Radio Television News Directors Association, et al., in the Supreme Court of the United States, Nos. 2 and 717, October Term, 1968. Decision of Mr. Justice White, June 9, 1969.

originally designated for the project. However, complaints concerning the service being rendered by Station KTAL-TV were brought to the Office of Communication by church leaders in Texarkana with urgent appeals for help. The entire community was concerned over the fact that KTAL had moved its main studios and offices to Shreveport, La., 70 miles away, because Shreveport is a bigger market area. Blacks complained that KTAL ignored them entirely.

Community organization in Texarkana was conducted through churches with advice from the field staff of the Office of Communication. A coalition of twelve of the black organizations in the area was formed, augmented by a minority of whites, mostly representing churches. Throughout the course of the KTAL case, the Office of Communication provided research, legal advice and public relations service.

The citizen group observed KTAL and analyzed its program service. The group also determined that the station would not respond to suggestions from community organizations, black or white.

The Texarkana Junior Chamber of Commerce filed a petition with the FCC to deny license renewal to KTAL, objecting to removal of the studios to Shreveport. The coalition of black organizations followed immediately with a second petition which alleged, among other things, that KTAL did not provide adequate coverage of local news and attention to public affairs, that studio facilities in Texarkana and means of access to the Shreveport studios were inadequate and that service to black residents was virtually nonexistent.

Without granting significant concessions, the station quickly persuaded the Jaycees to withdraw their petition. The black organizations held firm. After six months, KTAL indicated a willingness to negotiate with them. In two days of intensive discussion, the parties signed a legal agreement accompanied by a thirteen-point statement of policy by KTAL. Both were then embodied in the license renewal application. The statement of policy was read over the air and published in the local newspaper.

The agreement provided for employment of blacks, broadcasting of programs about poverty, improved news coverage of both the black community and the whole of Texarkana and new programs for the discussion of controversial issues of local importance. KTAL agreed to meet monthly with the black organizations, and has since held such meetings. In addition to obtaining their own objectives, the black petitioners also persuaded KTAL to make the service improvements which the Jaycees had sought and failed to get for Texarkana, things such as a toll-free telephone line to the KTAL Shreveport studios and color facilities in the Texarkana studios.

The FCC in a landmark policy statement endorsed the KTAL negotiations and agreement as a preferred means by which a station can fulfill its obligation to consult with its community and provide service to meet community needs and tastes. In a letter informing KTAL that its license would be renewed, the FCC stated:

> We believe that this Commission should encourage licensees to meet with the community oriented groups to settle complaints of local broadcast service. Such cooperation at the community level should prove to be more effective in improving local service than would be the imposition of strict guidelines by the Commission.

The commission added:

> . . .your performance during this period will be carefully examined at the end of the license period to determine whether you have made an affirmative and diligent effort to serve the needs and interests of the city to which KTAL-TV is licensed.

The KTAL settlement was reached in June, 1969. Since then, the black groups have expressed satisfaction with the efforts of the station to keep its promises and to develop new programs to serve all classes of viewers.

KTAL has improved programming by scheduling "Sesame Street" weekday mornings from 9:00 to 10:00 and by adding a new series of weekly 30-minute shows in a magazine format which treats such topics as school dropouts, the Marshall, Tex., airport controversy and a report on unwed mothers. A special program was presented on technology and the farmer. KTAL was the only news medium to cover a recent Human Relations Council meeting in Marshall, Tex. Another program presented Dr. Louis Pendleton and other black leaders discussing school integration. KTAL was the first station in the area to make time available for a discussion of this subject. Scripts for poverty spots have been completed and a script on rumors is being prepared. Devotionals by black ministers have been recorded for use at sign-on and sign-off.

Agreements in Shreveport, La. In Shreveport a citizen group calling itself the Ark-La-Tex Communication Committee was formed at the time of the KTAL negotiations. During the summer and fall of 1969 it observed the remaining two television stations in the Shreveport/Texarkana market, KTBS and KSLA. Negotiations were postponed until nearer the license renewal date for Louisiana broadcasters, June 1970.

Meetings took place between the stations and the committee during April, 1970. Agreements were reached and the stations amended their applications for license renewal accordingly.

KTBS affirmed its responsibility to serve the tastes, needs and interests of all segments of the community, including minority groups, its intent to meet with community representatives regularly to ascertain program needs and to present programming which adequately and fairly reflects the needs and interests of the black community. It asserted its positive obligation to abide by the FCC's equal employment opportunities rule and the provisions of the Fairness Doctrine in dealing with minority group members. Specifically it pledged to employ a black assistant public affairs director with direct responsibility to the station manager to develop programming and public service announcements for the black community; a black news photographer on a full-time basis; a black full-time news reporter; a part-time black sportscaster and a black floorman to be trained for the production staff.

KSLA registered its intent to conduct a continuing survey of the needs and interests of the black community and to provide news, public affairs, religious and other programs to meet the requirements of both minority and majority groups in the Shreveport area. The station pledged to reflect fairly the life and affairs of the black community and to follow the FCC Fairness Doctrine in treating controversial issues. It stated that the FCC's employment rule would be implemented and that the station was seeking a college-educated black news

reporter and a black engineer, promising to share the cost of obtaining a FCC license for the latter. It agreed to establish a $400 college scholarship for a black student who will be employed by the station in the summer. The station pledged that it would meet regularly with the committee and other community organizations to discuss program and employment policies.

License Renewals in Atlanta, Ga. Atlanta was one of the first cities in which field staff of the project began work. A conference on community organization was held in April, 1968 at the invitation of staff members of the Board of National Missions of the Presbyterian Church in the U.S. The field director of the project then visited Atlanta regularly for the next 18 months, but little progress was made in conducting systematic observation of stations until early 1970. By that time several black organizations were vying with each other in attempts to make agreements with Atlanta's 28 television and radio stations. These fragmented approaches from the black community were not taken seriously by Atlanta broadcasters.

The black community then awoke to the fact that license renewal was imminent for the Atlanta stations. Under the energetic leadership of Lonnie C. King, director of the Atlanta branch of the NAACP, and Rev. Joseph Boone, chief executive of the Metropolitan Atlanta Summit Leadership Conference, a coalition of 20 black organizations was formed for the purpose of negotiating KTAL-type employment and programming agreements with all of the stations in the area. The new citizen group called itself the Community Coalition on Broadcasting. They immediately got in touch with the stations, asking for discussions.

The Office of Communication invited the leaders of the Coalition to Washington, D.C., where they participated in a conference on broadcast regulation and consulted communication attorneys. They were helped to draw up model agreements to be used as the basis of discussion with the Atlanta stations. Lawyers and field staff of the project were dispatched to Atlanta to aid the Coalition's negotiation teams. Albert H. Kramer, executive director of the Citizens Communication Center, Washington, D.C., generously joined the legal staff and was extremely helpful to the Coalition. On the broadcasting side, most of the Atlanta stations changed their attitudes and signified willingness to talk to the Coalition representatives.

By late February it was apparent that there was not time for the Coalition to complete its negotiations before the license renewal deadline of March 1. Therefore, the Coalition petitioned the FCC by telegram to withhold license renewals from the stations until negotiations had run their course.

In an unprecedented action, the commission extended the renewal period thirty days, to March 31. In granting the extension, the FCC stated, in part:

> In view of the representation that you and the other signatories and the Atlanta licensees are currently engaged in good faith negotiations regarding the tastes, needs, and desires of the Atlanta Black Community, the Commission has determined that a grant of your request would be in the public interest. You are therefore given until March 30, 1970 within which to file any formal pleadings relating to the pending applications for renewal of the licenses of the Atlanta broadcast stations.

The FCC action kept alive the Coalition's option to institute legal moves against stations that might refuse to sign agreements with it. No legal steps had been taken against the stations up to that time.

During the 30-day extension period, the Coalition obtained agreements with 22 stations, including Atlanta's three network-affiliated VHF television outlets, WSB-TV, WAGA-TV and WQXI-TV. Only three minor radio stations and one marginal UHF television station failed to make satisfactory settlements. The Coalition, therefore, had Mr. Kramer file petitions to deny license renewal against WJRJ-TV, WGUN(AM), WTHJ(AM) and WAVO(AM). At the request of the Coalition and stations WRNG(AM) and WYZE(AM) the date for filing pleadings was extended an additional two weeks by the FCC. Agreement was then reached with WRNG. WYZE negotiations may be protracted, as the station is for sale.

The settlements varied with the stations but were KTAL-type agreements calling for hiring of blacks and on-job training for them, stepped-up news coverage of black activities, more programming on controversial issues and monthly meetings with the Coalition. One station hired a black vice-president. Some small radio stations added black directors to their governing boards.

The success of the Atlanta Coalition demonstrates the extensive changes in broadcasting that can be achieved through the methods and strategies developed by this project. Not only was the Coalition aided by the Office of Communication but also by Atlanta area poverty lawyers and the Washington-based Citizens Communications Center. Significantly, the effort brought assistance from the FCC, which six years ago refused to recognize the public as a party in broadcast license proceedings. It was shown that representatives of a unified black community, armed with knowledge of their legal rights, facts about station practices and specific goals for change, can persuade broadcasters to file amended license applications that guarantee substantial benefits to blacks.

Amended License Application in Charlotte, N.C. Negotiations with broadcasters need not always be conducted on a grand scale. During the course of a monitoring study of the television stations in Charlotte, N.C., the project field director was asked to assist the local planning committee for the Vietnam War Moratorium Day which had been attacked editorially by station WIST. The station refused to grant time to the committee to reply to the editorials.

The field director helped the committee draft a formal complaint to the FCC for violation of the Fairness Doctrine by WIST. The FCC responded by freezing the station's pending license application until the matter could be resolved.

Discussions eventually took place between the complainants and the station which resulted in an agreement by the station management to amend WIST's application for license renewal. The complaint was then withdrawn.

The amendment stated:

> As an amendment to the license renewal of Station WIST and in order to make an affirmative effort to present all sides of controversial subjects of public importance, the station will make either

of the following statements at the conclusion of such broadcasts, both sponsored and unsponsored:

1. This statement is an editorial view of Station WIST and copies are available upon request. The station welcomes and encourages opposing points of view and will be glad to provide its facilities and reasonable time for the broadcasting of such opposing views.
2. The preceding statement is sponsored by *(sponsor's name)*. Recognizing its controversial nature, Station WIST will make copies available on request. The station welcomes and encourages opposing points of view and will be glad to provide its facilities and reasonable time for the broadcasting of such opposing views.

Although the issue which prompted this action was not racial discrimination, the remedy assures the opportunity to present opposing views whenever controversial issues, including racial matters, are discussed over WIST.

Agreement with the NAACP Legal Defense and Education Fund

On February 24, 1970 the Office of Communication and the NAACP Legal Defense and Education Fund announced an agreement to pool their field staffs to work for enforcement of the FCC rule banning discrimination in employment and to help blacks and other minorities gain access to television and radio stations for the airing of their views. The field staff of the Fund will identify communities, especially in the South and Southwest, where discriminatory practices exist in broadcasting and will aid in community organization to combat such practices. The Office of Communication will provide technical and legal assistance to citizen groups that are formed under Legal Defense Fund auspices.

The staff of the Fund began by participating in a three-day training program in New York and Washington, D.C., to familiarize themselves with communication policy and broadcast regulatory procedures.

The reaction of the broadcasting industry to the joint plans of the Office of Communication and the Legal Defense Fund was, as expected, negative. However, *Broadcasting Magazine* concluded an editorial decrying the new arrangement with these words:

> Somewhere there will have to be a legal confrontation between the broadcaster and those who would thrust upon him obligations that he cannot carry out. Meanwhile the wise broadcaster will make every reasonable effort to find, hire and promote minority personnel and to provide responsible reportage of minority acts and causes.

Black Oriented Radio Stations

A predominantly black citizen group in Columbia, S.C. sought aid from the Office of Communication for the study of WOIC, a white-owned radio station that programs to the black community. WOIC is the flagship of a six-station chain of black-oriented outlets owned by Joe Speidel.

After refusal by Mr. Speidel to discuss changes in WOIC policies with the citizen group, the Office of Communication assisted the group in the preparation

of a petition to deny license renewal to the station. The petition charges that the station has failed to employ blacks in decision-making capacities and has given the FCC false or misleading titles for black employees. It also alleges that the station's ascertainment of community needs and interests is defective and that observation has shown that WOIC provides little, if any, local news coverage.

The petition is pending before the FCC. It represents a mounting resentment among black people against white broadcasters who purport to direct their service to the black community but who fail to provide significant programming or to employ blacks in meaningful capacities.

Involvement of Black University Students

Local efforts to improve broadcasting in Charlotte, N.C. have involved forty students from Johnson C. Smith University, a predominantly black school. The Office of Communication was asked to train these students to observe and to analyze data. All Charlotte television stations were observed by the students between January 26 and February 1, 1970.

Significant findings included a paucity of news dealing with the black community and almost total exclusion of blacks from meaningful self-expression on the air. One example was television coverage of the crucial school desegregation issue which produced numerous stories and interviews with whites, but only one interview with a black.

The student participation in citizen group activities in Charlotte has been a great asset to the project, as well as a valuable experience for the students. One tangential result is an awakened interest on the part of the university in teaching mass communication subjects.

COMPLETION OF THE WLBT CASE

The first landmark decision by the U. S. Circuit Court of Appeals in the WLBT Case granted standing to the public and also ordered the FCC to hold a hearing on the fitness of Lamar Life Insurance Co. to continue as the licensee of the station. The hearing was held in Jackson, Miss., in May, 1967. The FCC hearing examiner rejected the evidence presented by the Office of Communication and its witnesses and recommended renewal of the license. The FCC commissioners concurred in this recommendation, voting 4-2 to renew the license for a full three-year term.

As already indicated on page 3, the case was returned to the Circuit Court. The Court, in a second landmark decision, the last opinion as a Circuit judge written by Chief Justice Warren Burger, unanimously reversed the FCC. The Court ordered the WLBT license vacated and directed the commission to seek new applicants for the frequency, of whom Lamar might be one.

Expenses of the Office of Communication in the FCC hearing in Jackson and the subsequent Court review were met in part by $15,000 provided in the Ford Foundation grant number 68-203 for the anti-discrimination project.

Three new applicants have applied for the WLBT license in addition to Lamar. All have integrated boards of directors composed largely of residents of

the WLBT coverage area. Only Lamar presents the FCC with the possibility of choosing a wholly white, segregated licensee.

In spite of the Court ruling of June 20, 1969, the FCC has permitted Lamar to continue to operate WLBT and to keep the substantial profits. (The Court suggested that the FCC impound profits.) The Office of Communication has urged the FCC to appoint an impartial interim operator until a new licensee is designated. The Office has helped a public spirited group of white and black citizens of Jackson and the surrounding area to form Communications Improvement, Inc. to apply for interim operation of the station. No one in this group would receive any compensation from his relationship to the operation of WLBT. All profits would be divided equally between funding of educational television in Mississippi and the financing of a communications school in a black university, preferably in Mississippi. Communications Improvement would operate with the present WLBT staff, thus removing any threat to their security during the lengthy course of FCC hearings to determine a new licensee.

Robert Lewis Shayon in commenting on the WLBT case in the March 14, 1970 *Saturday Review* pointed out that the establishment of Communications Improvement, Inc. with the help of the Office of Communication gives the FCC "an attractive chance to redeem itself and to bring some good out of the six-year mess for both black and white citizens in the WLBT area .... The offer ... has poetic justice and a Christian spirit. It breathes of reconciliation and the public interest."

CONCLUSIONS AND NEXT STEPS

This initial two-year effort to combat racial discrimination by broadcasting stations in the South has shown that, in spite of significant changes in broadcast practices wrought by the project, the task of making the broadcasting industry and the Federal Communications Commission responsive to the needs and interests of minority racial and ethnic groups has just begun. It is not just in the South that stations neglect their public service responsibilities, nor is it just the tastes, needs and desires of blacks that they ignore. Unless members of minority groups can be helped to understand their rights in radio and television, they will continue to be at the mercy of whoever happens to control the broadcast frequencies.

It is unfortunate but true that the technicalities of mass communication regulatory practices and the powerful influence exerted by television and radio make it virtually impossible for relatively powerless minorities to act positively to protect their rights unless there is a counselling service available. The broadcasting industry is aware of the improvements this project has brought about in program service to blacks and of the jobs that have been opened up to blacks in local stations. If the industry also is sure that counselling for blacks and other minorities will continue to be available, the progress that has begun will accelerate. But some one has aptly said, "The good guys get tired of being good before the bad guys get tired of being bad." The mass communication industry counts upon having the good guys fall by the wayside. That is one of the reasons the broadcasting industry has not responded satisfactorily to the racial crisis

despite the charges leveled by the Kerner and Eisenhower Commissions. Those commissions have passed away. So too, the industry reasons, will projects to eliminate job discrimination and discriminatory programming practices.

While racial bias in broadcasting was most apparent in the South when this project began in 1968, Northern stations have been equally guilty of neglect of minorities. The Office of Communication has received requests from responsible, organized groups in Buffalo, N. Y.; Youngstown, Ohio; Wilmington, Del.; Chicago, Los Angeles and Bakersfield, Cal. for help in countering discriminatory practices. Inquiries from other cities suggest that further investigation would be desirable. Although no request for information and help has been ignored, it has been impossible to respond to all pleas with the staff aid they appear to deserve.

In 1968 blacks were more alert than were other minorities to the potentials of broadcasting and to its influence on their destinies. In just two years, in part because this project has demonstrated to minority people that their voices can be heard, Spanish-surnamed Americans, American Indians and other minorities have become motivated to do something about their own places on the airwaves.

The work of the project now will be extended to all regions of the country and to additional minorities on the basis of need.

The project has already turned its attention to black-oriented stations. Most such stations are not licensed to blacks. More often than not they regard blacks as consumers who are fair game for exploitation by unscrupulous advertisers. Black-oriented stations often callously refuse to broadcast news concerning black activities and interests. They permit loan sharks, furniture sharks and other exploiters of the poor to advertise at will. They disregard the educational needs of their listeners. They present few programs that air controversial issues of concern to blacks. Black oriented stations are frequently charged with failure to employ blacks in management and other decision-making positions, and of falsifying reports to the FCC on employment practices. Other ethnic-oriented stations are said to engage in similar deceptive practices.

Educational stations, especially in the South, are faced with charges similar to those made by minority groups against commercial, black and foreign language station licensees. The entire educational network in Alabama has been charged with failure to give attention to the needs of blacks and other minorities. Other educational stations, North and South, have been charged with refusal to consider requests for program service to minority groups.

Educational stations are almost universally condemned for unwillingness to provide equal employment opportunities for minority group members. It is almost unbelievable, but true, that the national representatives of educational broadcasters joined commercial operators in opposing the FCC rule sought by the Office of Communication to ban unfair employment practices by stations.

The boards of directors of educational stations are largely upper class whites. They may be persons who are not informed about the needs of minorities and may not have indicated interest in the problems of minorities. Isolated, segregationist control of educational stations is exacerbated by the fact that the FCC does not require educational stations to ascertain the needs and interests of

the communities they serve, as commercial stations are made to do. As a consequence, educational stations escape the requirement imposed by the Communications Act that *all* station licensees must broadcast in the public interest, convenience and necessity. The deliberate neglect of the needs of minorities by the educational stations is a dereliction of public trust.

The significant results which have been achieved by this project suggest that continued attention to improving the performance of the communications media is urgently needed. The problem is national, encompasses the needs and interests of all racial and ethnic minorities and includes all classes of stations. This project has helped to raise the expectations not only of the black people it has directly aided, but also of countless other groups who can now see the promise of improvement in radio and television service in their communities. These hopes can be realized only by continuation over a long time of assistance of the kind now being rendered by the project.

The broadcasting industry is beset by criticism. There are dangers inherent in attacks leveled at organs of communication which are government licensees, particularly where the First Amendment is involved. Free channels for the exchange of ideas and information are essential to the continuance of a democratic system.

Nevertheless, criticism of broadcasting was long overdue. Both the public and the broadcasting industry are to blame that dissatisfaction was not voiced and heeded sooner, when the issues may not have been so explosive.

The industry deserves excoriation for insisting that any suggestion from the public for change is destructive and for failing to grapple with fundamental problems, such as racial justice. For years the networks avoided the racial integration which is now commonplace in their programs for fear of offending Southern stations. It should come as no surprise that this shameful discrimination encouraged Southern stations to engage in even more damaging discriminatory practices.

The public has been equally at fault. Legislative efforts to bring about fair employment practices in industry have been going on more than two decades. Yet, today, broadcasting has no industry-wide program to recruit and train members of minority groups for jobs. Why should this be when for more than twenty years discrimination against blacks and other minorities has been on the television tube for all to see? The public, black or white, did nothing to eliminate it.

A new day has come. The courts have paved the way for the exercise of public rights. In a few places citizen groups and station managers are showing that injustices may be corrected to mutual satisfaction through simple negotiation. We are beginning a time when the community and the broadcasters will sit down at a table to thresh out issues between them. In the foreseeable future, we may expect that it will become a matter of routine for community groups to negotiate programming and employment improvements with licensees before every scheduled renewal. Television and radio audiences—the most silent of all silent majorities—have found their voices.